

### REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1-24 remain in the application. Claims 1-17 have been amended to clarify the claims of the invention. No claims have been canceled.

#### **Rejections Under 35 U.S.C. 102(b)**

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,778,187 of Monteiro et al. ("Monteiro").

Applicant respectfully submits that Monteiro does not disclose each and every element as recited in claim 1. Specifically, Monteiro does not disclose "root splitter reassignment logic to reassign one of said backup root splitters as a new primary root splitter responsive to detecting a problem with said primary root splitter," as claimed. The Office Action recites (at page 2, paragraph 2) that Sheet 2, Figure 2 in Monteiro anticipates this element. Figure 2 of Monteiro discloses a Network Control Center (see column 4, line 18-19), which receives audio feeds from satellite, over the air broadcast or in other ways and processes that information for delivery over the network on multiple channels of information. (See column 2, lines 63-67). Monteiro does not disclose that the Network Control Center includes a primary root splitter and a plurality of leaf splitters, nor that one of the root splitters might be *reassigned as the primary root splitter responsive to detecting a problem with the primary root splitter*.

Accordingly, Applicant respectfully submits that Monteiro does not disclose each and every element as disclosed in claim 1. Therefore, Applicant respectfully requests the rejection to claim 1 be withdrawn under 35 USC §102(b).

### **Rejections Under 35 U.S.C. § 102(e)**

Claims 1-3 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,061,504 of Tzelnic ("Tzelnic").

Applicant respectfully submits that Tzelnic does not disclose each and every element as recited in claim 1. Specifically, Tzelnic does not disclose "root splitter reassignment logic to reassign one of said backup root splitters as a new primary root splitter responsive to detecting a problem with said primary root splitter," as claimed. The Office Action states (at page 3, paragraph 4) that columns 5, lines 35 - 44 in Tzelnic disclose this element. Applicant assumes the Office Action is equating the controller servers (28, 29) to the "root splitter reassignment logic," as claimed. Applicant respectfully disagrees with this interpretation. Applicant respectfully submits that the video file server and specifically, the controller servers are not the same as the intermediate streaming node, as amended, in claim 1. Tzelnic discloses that the controller servers are similar to each of the streaming servers that are a front end to the integrated cached disk array storing video (see column 4, lines 51-55, Fig. 1). Therefore, the stream servers and the controller servers are not part of an intermediate streaming node but are components of the video server storing the source information within the disk array, and therefore, do not split a data stream transmitted from an upstream server into a plurality of leaf splitter streams, as claimed. Potential failure of components such as the controller servers and streaming server within the video file server may be handled through allocation of redundancy (see column 5, lines 32-45). However, this level of redundancy is impractical at the various intermediate servers due to limited media server resources at the site, limited and costly rack space, etc. As such, the intermediate streaming node, as claimed, may be implemented to provide fault tolerance using a primary root splitter

and a plurality of leaf splitters at the intermediate site without additional video server resources, rack space, etc.

Accordingly, Applicant respectfully submits that Tzelnic does not teach each and every element as recited in claim 1. Claims 2-3 are dependent on claim 1. Therefore, Applicant respectfully requests the rejection to claims 1-3 be withdrawn under 35 USC §102(e).

#### **Rejections Under 35 U.S.C. § 103(a)**

Claims 4-7, 12-16 and 23-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No 6,061,504 of Tzelnic (“Tzelnic”) and further in view of U.S. Patent No. 6,112,249 of Bader et al. (“Bader”).

As articulated above, claim 1 is patentable over Tzelnic. Bader fails to cure the underlying deficiencies of Tzelnic including the failure to teach or suggest an intermediate streaming node comprising a primary root splitter, a plurality of leaf splitters, and root splitter reassignment logic discussed above. Claims 11, 17, and 22 include elements or elements similar to those recited in claim 1. Claims 4-7, 12-16, and 23-24 are dependent on one of the claims 1, 11, 17, and 22. Accordingly, Applicant respectfully submits that the combination of Tzelnic and Bader do not disclose nor suggest each and every element of claims 4-7, 12-16, and 23-24. Therefore, Applicant respectfully requests the rejection to claims 4-7, 12-16, and 23-24 be withdrawn under 35 USC 103(a).

Claims 8-11, 17-19 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No 6,061,504 of Tzelnic ("Tzelnic") and further in view of U.S. Patent No. 5,448,723 of Rowett ("Rowett").

Applicant respectfully submits that the combination of Tzelnic and Rowett fail to teach or suggest each and every element as described in claims 11, 17, and 22. As articulated above, claim 1 is patentable over Tzelnic. Rowett fails to cure the underlying deficiencies of Tzelnic including the failure to teach or suggest an intermediate streaming node comprising a primary root splitter, a plurality of leaf splitters, and root splitter reassignment logic as discussed above. Claims 11, 17, and 22 include elements or elements similar to those recited in claim 1. Claims 8-10 and 18-19 are dependent on one of the claims 1, 17, and 22. Accordingly, Applicant respectfully submits that the combination of Tzelnic and Rowett do not disclose nor suggest each and every element of claims 8-11, 17-19, and 22. Therefore, Applicant respectfully requests the rejection to claims 8-11, 17-19, and 22 be withdrawn under 35 USC 103(a).

### **CONCLUSION**


Applicant respectfully submits that the rejections have been overcome by the amendments and remarks, and that the Claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the Claims as amended be allowed.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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